

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No. 1726 of 2001
(Old No. 1140 of 2000)

1. Satnam Singh
S/o Karnail Singh
R/o Shiv Puri, P.S. Bazpur,
Distt. Udham Singh Nagar.
2. Jagga Singh
S/o Basant Singh
R/o Shiv Puri, P.S. Bazpur,
Distt. Udham Singh Nagar.

..... Appellants

Versus

The State

..... Respondent

Mr. Rajesh Sharma, (Amicus Curiae) for the appellant.
Mr. Nandan Arya, Standing Counsel for the respondent State.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the appellants.

2) In this appeal, preferred under Section 449 of the Code of Criminal Procedure, 1973, the order dated 28.04.2000, passed by learned Sessions Judge, Nainital, has been challenged.

3) I have gone through the impugned order passed under Section 446 of I.P.C., by learned Sessions Judge, Nainital. The said order was passed in the presence of Smt. Pushpa Joshi, counsel of the sureties. The impugned order clearly shows that notices were duly sent to the sureties and they were given enough opportunity to produce the accused for whom they stood sureties. However, they could not

produce the accused nor could show sufficient reason why the amount mentioned in the bond furnished by them be not realized. In the circumstances, the impugned order directing recovery of Rs. 20,000/- each, from the appellants, who stood sureties for the accused in Sessions Trial No. 173 of 1998, suffers from no illegality. As such, the appeal is dismissed. Interim order, if any, stands vacated.

(Prafulla C. Pant, J.)

Dt. March 07, 2007.

H.Negi